

**USAID Sri Lanka  
Democracy and Governance Office**

**Project Title: Democracy and Governance Program Initiative**

**Concept Note**

The United States Agency for International Development's (USAID) Mission in Sri Lanka seeks feedback on the proposed approach as input to an upcoming Request for Proposals (read contract) to implement the Mission's Democracy, Governance and Conflict Mitigation program.

The Mission intends to launch a new Democracy, Governance and Conflict Mitigation strategy in Fiscal Year (FY) 2007. A Request for Proposals to select a partner to implement the new program will be issued in the second quarter (February) FY 2007.

**Background:**

The failure to reach consensus around who is fully included in the nation lies at heart of Sri Lanka's Democracy and Governance problems. The concept of a single Sri Lankan nation-state with a shared sense of identity tied to a single institutional apparatus that governs and protects all has always been fragile. Elite political competition has fueled ethnically-based majoritarianism. Given that the Sinhalese comprise about 75% of the electorate, the two major political parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), have frequently addressed majority interests and insecurities in order to win elections. Although some harmful decisions of the past have been reversed, including the Sinhala Only Act; the process of dismantling and reforming the state apparatus to effect these changes remains incomplete and is exacerbated by the Sri Lanka's failure to fully implement measures that were designed to address the grievances of the minorities, examples include: the 13<sup>th</sup> amendment to the constitution adopted as part of the Indo Lanka accord of 1987. Other measures that fueled the conflict, such as the settlement of Sinhalese farmers in the north-east beginning in the 1930s, which fundamentally changed the area's demographics, cannot now be undone.

Because of the absence of consensus on the nature of the nation state and the high stakes, zero-sum quality of competition between the two largest southern parties each and every government since the 1980s has foundered on matters related to the resolution of the conflict and associated constitutional changes. Initiatives for the peaceful resolution of the conflict – federalism and devolution - are typically opposed or diluted by the party out of power, nationalist parties and allied groups, leading to the collapse of negotiations and political reform efforts.

The conflict has resulted in an institutionalized culture of violence and despite a brief respite in the immediate aftermath of the cease-fire agreement (CFA), violations of the CFA continued to escalate in 2005 and 2006, culminating in a return to a culture of violence, eroding the respect for human rights, coupled with entrenched militarization.

Diminished respect for the rule of law has always been a product of political interests and security considerations, set against a backdrop of a gradual decline in quality of the judicial system.

Ethnic and political divisions have carried over into civil society and the media. Despite Sri Lanka's democratic tradition and the high quality of its human resources, there is not a strong tradition of independent civil society or of peaceful political action other than by voting. Much of civil society is divided along ethnic and linguistic lines and at the center there is apperception that many organizations are partisan. There is also a considerable difference between Colombo based groups and grassroots organizations, with significant resentment at the periphery that Colombo based organizations receive a disproportionate allocation of donor resources. Finally, many donor agencies and other funding institutions have neglected identifying and working with, civil society networks that exist beyond the well known and often over resourced world of non government organizations, thereby neglecting traditional and well respected structures that exist across the country.

The challenges of working with civil society should not be underestimated; many organizations are constrained and often undermined by the relatively greater power of the state and political parties, and by the partisan nature of the media. Despite the resources available, civil society has been a weak link, unable to provide an effectual check on the state, or a mechanism for consensus and peace-building. The media, print and electronic, private and government-owned, with few exceptions, have failed to play a significant role in promoting the peaceful resolution of the conflict and respect for rule of law and human rights. They are generally of low quality and have often actively contributed to Sri Lanka's governance problems and the conflict. The media outlets are highly segmented along ethnic and language lines, resulting in highly partisan reporting but people have no access to more valid reporting.

The recent history of the Sri Lanka conflict has been one of a false dawn. In 2002, the coalition United National Front (UNF) government led by Prime Minister Ranil Wickremasinghe reopened peace negotiations with the LTTE and both parties entered into a ceasefire agreement in February 2002. During the first two years of the ceasefire agreement, violence declined and both parties entered into a series of talks. The UNF was technocratic and less ideological compared with its predecessors and many commentators suggest that the government saw the peace process as a tool to achieve economic development. Unfortunately, the government was unable to allay the public's fears of economic reforms by delivering a tangible peace dividend; some complain that their economic reforms damaged the prospects for a "Southern" consensus on concessions to the LTTE because people felt no real economic benefit.

The negotiations collapsed in 2003 and the LTTE's final proposal – the Interim Self-Governing Authority (ISGA) in the North and East has never received a response from the government. Both the UNF and the United People's Freedom Alliance (UPFA) government's preparation for the negotiating process has never been vigorous, with poor internal coordination and almost no preparation for the negotiations. As a consequence, the meetings between the two delegations rarely moved beyond mere posturing and concrete ideas were lacking.

The April 2004 parliamentary elections brought the SLFP back to power, leading the United People's Freedom Alliance (UPFA), including the Janatha Vemukthi Perumuna (JVP) as a coalition partner, which shortly thereafter formally left the government but continues to vote with the government in Parliament on a case by case basis.

The JVP, a nationalist party opposed to negotiations with the LTTE and any political solution which contains federalism and / or devolution, has a strong base in the south and is actively building up support in the rest of the country, particularly, the north central province and conflict affected Trincomalee district. The JVP opposes any significant devolution of authority to provincial government and it is often able to "outbid" the SLFP in responding to Sinhalese fears, pushing the government to take a harder line. Politically, the SLFP is seen to respond and follow the nationalistic rhetoric of their erstwhile political allies. Public advocacy and awareness campaigns supported by organizations such as the National Patriotic Movement and the National Movement Against Terrorism actively support a stronger military strategy as a solution to the conflict.

The political and military exploitation of the ground reality in the east has created a situation that is problematic and volatile. Government-controlled areas are increasingly militarized and the formation of the "Karuna Group" in 2004 is cited as the single most important recent development in the province. Vinayagamoorthi Muralitharan, alias "Colonel Karuna Amman" (Karuna), was formerly the LTTE's commander in the East. He broke away from the LTTE and reportedly with the tacit support of the government, now leads a powerful paramilitary group fighting against the LTTE. In 2006, Karuna established a political wing called the Tamil Makkal Viduthalai Pulikal (TVMP) with offices throughout the east and in Colombo. Karuna is suspected of being responsible for, among other human right violations, a sharp rise in the recruitment of child soldiers.

Since the summer of 2006, the escalation in fighting in the east has resulted in large numbers of civilians displaced, creating a new population of 200,000 internally displaced persons (IDP), most recently, fighting on the border of the Trincomalee and Batticaloa districts near Vakari has resulted in 20,000 civilians being displaced on top of the existing IDPs of 350,000. General Sarath Fonseka, Commander of the Sri Lanka Army said that the Army's intention was to clear the LTTE from the east. *(A footnote will be inserted with newspaper reference.)* Some of these civilians have been forced to move back to their areas by government armed forces, LTTE or Karuna, and communities have been used as human shields to protect military assets.

Caught in the middle of the ethnic conflict between the Sinhalese and the Tamils, the Muslims are vulnerable, as well as being politically and spatially fragmented. Their security in the East is tenuous at best and their political leadership is split or undecided on the matter of the configuration of the north and east provinces. Moreover, a referendum will place Muslims in an invidious position: if they vote for merger, they will alienate Sinhalese; if they vote against, they will alienate the Tamils, whatever consensus is reached; it will not be without risk, politically and perhaps even physically.

Currently, the CFA has entirely broken down. Frequent violations of the agreement took place prior to 2006 with the majority committed by the LTTE. In the summer of 2006 outright military action by the government and LTTE resumed. Displacements, injuries, deaths and disappearances due to the renewal of violence have increased sharply, not least among civilian populations. Contested areas are heavily militarized and there is a significant increase in the security presence on the streets of Colombo. In Jaffna and elsewhere in the north and east, there has been a significant deterioration in the human rights environment with abductions and disappearances commonplace, compounded by a humanitarian crisis due to the erratic supply of food and other basic necessities.

It is clear that the conflict and the state of democracy in Sri Lanka are directly and powerfully linked. The ethnic conflict has become a well-entrenched institution, affecting the structure of the state and the economy in ways that are antithetical to democracy, through – among other links – its violence; the separation of people and associated erosion of understanding; the costs to state services, the economy and general welfare, and the rise of groups with interests in perpetuating war. The decline in democratic politics and governance in turn fuels the conflict.

### **Program Principles.**

Interested firms seeking to submit proposals to implement the Mission's new Democracy and Governance strategy must design and implement a program that adheres to the following programming principles:

1. The program must engage with and where populations are most at risk. The contractor should establish and maintain one field office in the North Central province and one field office in the Eastern province as well as its main office in Colombo.
2. The design and implementation of the programs must achieve a balance and be perceived to have a balance among the three ethnic groups.
3. The program must address regional needs and will have a regional focus but must also work at the national level. Many of the most critical Democracy, Governance and Conflict Mitigation issues emanate from the political center (Colombo).
4. Avoid activities that might serve to legitimize government bodies with compromised constitutional status or show a questionable adherence to democratic principles.

## **PROGRAM AREAS:**

### **Area 1: Strengthen Respect for Human Rights:**

The purpose of this component is to strengthen: 1) local information and knowledge about human rights violations; and 2) domestic institutions and processes that seek to hold the government to account. The Mission believes that programming in this area will play an important role in providing solid information for advocacy both in the diplomatic and development arenas.

Illustrative activities:

1. Support the National Human Rights Commission by: (a) conducting an assessment of the work undertaken by the Commission's field offices and based on this assessment, strengthen the offices by enhancing their investigation and reporting functions, particularly in conflict affected areas and (b) develop and establish a national database for human rights violations. Ideally, the Commission would be the logical place for a vetted and authoritative database that can aggregate complaints across protection agencies and NGOs.
2. Assist the Ministry of Disaster Management and Human Rights to establish an advocacy program within government for an improved policy framework for the protection of human rights and assist the Ministry to provide training for government officials on human rights.
3. Support national and regional human rights and advocacy non governmental organizations to: pursuing cases in the court; conducting research and investigation of human rights abuses; monitoring of court processes and decisions in human rights cases; researching and investigating allegations of violations, and conducting public outreach and education.
4. Support Junior and Provincial Bar Associations which fell disadvantaged and isolated and whose members are often neglected in training programs and when providing facilities.
5. Support print and electronic media to publish and program on human rights awareness and concerns.

**Area Two: Increasing information, and expanding the debate and public participation on critical Democracy and Governance issues.**

1. Assist the Ministry of Constitutional Affairs to design and implement consultative process to enable the Ministry to reach citizens from diverse socio-economic and ethnic groups, to inform and solicit opinions on proposed constitutional changes.
2. Support the Elections Commission and civil society organizations to conduct awareness campaigns and support forums on the demarcation of districts under future electoral reforms.
3. Support indigenous research organizations research, information dissemination, advocacy and public interest litigation, along with monitoring of topical Democracy and Governance issues.
4. Implement “town hall” style meetings to bring citizens together at the local level around concrete activities and linking these meetings with government officials.
5. Technical assistance and training to develop produce and broadcast radio programs on the implication of constitutional changes, human rights, peace and other governance issues. This program can have a regional focus.
6. Support the training of regional journalists associations to provide local reporting on the impact of needed national reforms and facilitate the publication of such articles.
7. Support consortia of journalists to establish a formal system of monitoring, documenting and acting on reports of harassment of journalists.
8. Support civil society organizations to increase monitoring of public sector corruption and advocacy for stronger internal controls.

### **Area Three: Improved Local Governance in Conflict Affected Areas**

1. Support provincial and local government in targeted geographic areas to strengthen their capacity in planning, budgeting, and in particular, the implementation of transparent and participatory planning processes.
2. Design and implement a small grants program that promotes: participatory processes between the citizen and government and inter ethnic linkages.
3. Support local print and radio journalists to cover local governance issues and to help with peace building. Activities might include training, small prizes, and the payment of production and air time costs for radio broadcasts.
4. Develop community capacity to organize and provide input to and oversight of local government;
5. Established linkages between participants from the “town hall” forums across districts and provinces to increase the impact of these participatory initiatives on critical issues.
6. Establish and support peace initiatives and relationship building between ethnic groups.
7. Link the program strategy under this area with and in support of the programs and objectives described in areas one and two.

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**Specific Question to all Interested Parties.**

What existing USAID or GSA Blanket Purchase Agreement (BPA) or Indefinite Quantities Contracts (IQC) or other acquisition mechanisms may be appropriate for implementing this type of requirement?